

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAGNESIUM MACHINE, LLC, an Oklahoma)	
limited liability company; MAGNESIUM)	Case No. 1:19-cv-2818
HOLDINGS, LLC, an Oklahoma limited liability)	Judge Donald C. Nugent
company; and PARAMOUNT DESIGN, LLC, an)	
Oklahoma limited liability company,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
TERVES LLC, a Nevada limited liability company;)	
and MCDONALD HOPKINS LLC, an Ohio)	
limited liability company,)	
)	
Defendants.)	

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs, Magnesium Machine, LLC, Magnesium Holdings, LLC, and Paramount Design, LLC hereby appeal to the United States Court of Appeals for the Sixth Circuit from the U.S. District Court for the Northern District of Ohio's Memorandum Opinion and Order [Dkt. No. 58] and Judgment Order [Dkt. No. 59]¹ entered in this action on the 14th day of July, 2020, and dismissing this action with prejudice.

¹ Plaintiffs previously filed a Notice of Appeal [Dkt. No. 35] on April 3, 2020, giving notice of their appeal of the Court's December 19, 2019 [Dkt. No. 15] and March 20, 2020 [Dkt. No. 25] Orders. Terves, subsequently moved to dismiss in the Sixth Circuit for lack of appellate jurisdiction on the basis that those orders were not immediately appealable. That motion remains pending. Following this Court's dismissal of this action, Terves notified the Sixth Circuit, stating its belief that the previous appeal was moot. While Plaintiffs anticipate moving to consolidate the appeals, in the event that the Sixth Circuit dismisses the earlier-filed appeal, even though "the law is well settled that an appeal from a final judgment draws into question all prior non-final rulings and orders," *McLaurin v. Fischer*, 768 F.2d 98, 102 (6th Cir. 1985), Plaintiffs expressly reserve the right to include the orders appealed from [Dkt. Nos. 15 and 25] in the earlier notice of appeal [Dkt. No. 35] in this notice of appeal.

Dated: July 21, 2020

Respectfully submitted,

/s/ Evan W. Talley

Evan W. Talley, OK Bar # 22923

(admitted *pro hac vice*)

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that on July 21, 2020, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Matthew Cavanagh
David Cupar
Tyler Mathews

/s/ Evan W. Talley
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